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THE OBSERVATOR.

Of the Foreign News. Of the State of Bavaria *and its Elector. Of the March of Prince* Lewis. *Of the Liberties of* Engliſhmen, *and the Legality of the preſent Settlement.*

From Saturday September the 11th, to Wednesday September the 15th, 1703.

Country-m. MAſter *Obſervator*, I have brought my Queens *Gazette*, wherein is the beſt News that you have heard this many a Day; and yet it is no more than what you have foretold: I proteſt my Heart is as Light as a Feather. I fanſy I'm all over turn'd into Cork: 'Tis very ſtrange, what different Operations good News has on Humane Bodies, its like the Sun which *Hardens* ſome things, and *Softens*, others; as *Wax* and *Clay*. I am ſo Elevated at this News, that I hardly know whether I go on my Heels or my Head; and the poor *Jacks* and *High-Flyers* are Diſconſolate to a State of Deſperation; they look like Statesmen Bewitch'd, and have no more Spirit in 'em than *Thruſhes* in a hard Winter. Not a word of *Vandome*, or Prince *Lewis*'s Gouty-Legs: He now cuts Capers will make their Friends Jump out of *Bavaria*: Poor Fools! they thought he was Aſleep, but he Slumber'd like a Lyon, till he could get the Prey within his Reach; *Hardeſt Fend off*, now Goodman *Villars* is caught in the Pound, and muſt make good the Loſs of the Corn. Prince *Lewis* has ſpread his Net, and by this time has made a good Hawl of *French Woodcocks*; I wiſh all our *Engliſh Owles* and *Buzzards*, and Birds of Prey were along with them; 'tis pity two Countries ſhould be troubled with Creatures ſo much of the ſame Nature. I can't read the News, I'm ſo overburdened with Joy. Pray take it and peruſe it your ſelf.

Obſ. Indeed, Honeſt *Country-man*, I never in my Life time read one Paper better furniſh'd with good News; for which, in the firſt place, we ought to give Thanks to Almighty God, who preſides in the Councils, and Superintends the Actions of Men, who is the Lord of Hoſts, and the Leader of the Armies of thoſe that fear Him. In the next place we ought to Thank thoſe Powers who by their own Conduct, and the Valour of their Troops, with the Bleſſing of God on their Arms, have given us ſo fair a Proſpect of the Tranquillity and Peace of *Europe*, and of the Reſtoration of Mankind to their *Juſt Rights* and *Liberties*, by the Deſtruction of the Common *Oppreſſor*, and the Grand *Tyrant* of the *European* World, the *French* King. We have indeed had no Reaſon to complain of an Unfortunate Campaign this Summer: The Confederates have met with many Signal Victories, and the Enemy has been as often repuls'd in the Execution of their Deſigns without the Force of Arms. How many of their beſt Troops did they loſe in Attacking the Lines at *Stolhoffen*, and in paſſing the *Kintſingerdael*? And what little Earning have they made of the Conjunction of *Villars* and *Bavaria*? Only this, that the Hereditary Countries of that Duke have ſubſiſted at Diſcretion, a great part of the Confederate Troops, and of the *French*, who Ravage like Enemies where ever they come. *Bavaria* and *France* had but one Card to Play to make a ſaving Game, and that was the Conjunction of *Vandome* with the *Bavarian* Forces in *Tyrol*, which were beaten thence by the Brave and Deſperate *Boors* of that Country, before *Vandome* could come up: So that now *Vandome* Halts and looks about him: To March forward he's afraid; to Return back he's aſham'd; and ſo he contents himſelf with taking the ſmall Fortreſs of *Arco*, inſtead of Perpetuating his Name by promis'd Victories, like Don *Quixot*, who by Martial Proweſs got the Barbers Baſon inſtead of *Mambrino's* Helmet.

I thank God, things Abroad look upon us with a very pleaſing Aſpect; and Prince *Lewis* ſeems to promiſe us an Engagement with the Conjoyned Powers of *France* and *Bavaria*, or at leaſt a Siege of *Munchen*, commonly called *Munick*, which is the Metropolis of the higher *Bavarian Circle*, and the Reſidence of that Elector, where he has a Sumptuous and Magnificent Palace, which he is likely to loſe after the manner, and according to the Example of his Brother, the Elector of *Cologn*. He muſt become one of the *French* Kings Penſioners, and wear the Alms-Badge of Fugitive Princes on his Shoulder. He's likely to keep his *Chriſtmas* at *Paris*, or with his Brother of *Cologn* in Retirement, with the Scraps that fall from the *French* Kings Table. —— Prithee what Home News haſt thou pickt up?

Country-m. The Learned Club of Gentlemen, as they call themſelves, inſiſt on the Poſition, *That the King can do no Wrong*, and ſay, *they have laid you Flat on your Back, and you'll never riſe more.* They ſay that the King is not one of the Three Eſtates, but *Superiour to them*, and ſo is accountable *to none but God, and therefore can do no Wrong.* For my part I thought our Conſtitution had been *King*, *Lords* and *Commons*; I am ſure all of my Acquaintance believ'd it to be ſo; and how Kings are Accountable I can't tell, but I am ſure I was Born to the *Rights* of an *Engliſhman*; which no Man can legally take away, and he that does it, does me the greateſt *Wrong* and *Injury* imaginable.

Obſ. I know no one in *England*, either of High or Low Degree, that is accountable to any thing but the Law, to maintain which a King of *England* is Sworn, and upon that Act of his we are Sworn to pay him due Allegiance. But if what they ſay be true, *That the King is accountable only to God*, we may much wonder at the Writs in King *John*'s time, requiring all Men of all conditions to oblige themſelves by Oath to maintain the great Charter, and to compel the

King

King thereunto: *Et quod ipsum Regem, pro posse suo, per Captionem Castrorum Suorum, distringerent & gravarent, ad præfata Omnia Exequenda*; when this very Clause was in his Charter, *Et illi Barones, cum Communi totius terræ, distringerent & gravaret nos, modis omnibus quibus potuerunt, scil per Captionem Castrorum, terrarum Possessionem, & alijs modis quibus potuerint, donec fuit emendatum secundum Arbitrium eorum*; This I think is a great Power, and as a Learn'd Commentator thereon says, which may be added to that of our Allegiance, or Oath of Fealty to the King with the Kingdom, and of the Kings Oath to be Guided by the Judgment of his great Court.

And as if King *John*'s *Salva Persona, N. & Reginæ N Liberorum N.* had been too loose; in King *Henry's* Charter it was Expressed thus, *Licet Omnibus de Regno N. contra Nos insurgere. It may be Lawful for all of the Kingdom to rise up against us*; nay, *and to do all things, Quæ Gravamen nostrum respiciant, ac si nobis in nullo tenerenter.*

Says my Learned Author, *These times seem not to attend our Grand Maxim of* State, The King can do no Wrong; *or at least they understood it not, as some late Courtiers would perswade us: Yet it is true, he can do nothing but by Law, and what he may by* Law, *can do no* Wrong: *And if he do against the* Law, *his Personal Acts, Commands, or Writing, do oblige no more than if they were a Childs: And the Books call him an Infant in Law (tho' his Politick Capacity be not in* Nonage; *as the Parliament Declared in* Edward *the Sixth) which is not to exempt him from* Errors, *or to excuse his* Crimes; *but to shew that he must be guided by his Council, and that his own Personal Grants or Commands cannot hurt any more than an Infants, which may be Recalled or Relaimed by the Council of the Kingdom.* The Mirror Cap. 4. Sect. 22. says *The King cannot grant a Franchise to prejudice his Crown or others, because he holds his Rights and Dignities but as an Infant.*

If we consider the Manner and Methods of our Forefathers in the Election of their Kings, the Kings and Peoples Power will be Eminently apparent. Why did they lay such Restrictions upon their Kings, and bind him by some Solemn *Oaths*, *Pacts* and *Covenants* to the Observation of the Laws and the due Execution of Justice, if the Breach of those Laws, Oaths, and Covenants, was no prejudice or wrong to the People? I could mention in many Elections of Kings, as in that of *Offa*'s in particular, but I shall give you only that of King *John*.

In King *Johns* Coronation we are brought in full Parliament of *Arch-Bishops*, *Earls*, *Barons*, and others, which were to be present, the Arch Bishop stood in the midst and said. *Audite Universi, noverit Discretio vestra*, &c. *It is well known to you all, that no Man hath Right of Succession to this Crown, except that by Unanimous Consent of the Kingdom, with Invocation on the Holy Ghost, to be Elected from his own Deserts: Lectus, & Secundum Morum Eminentium prælectus*, &c. *But if any of the last Kings Race be more Worthy and Better than others, his Election is more Reasonable and Proper. Pronius & Promptius in Electionem ejus est Consentiendum: As it is now in Earl* John, *here present.*

There was not one Dissentient or Opposer of what was then Spoken, because they knew it was warranted by their Laws, and was according to the Custom of their Ancestors. *Scientes quod sine Causa hoc non sic Definiverat*: For which *Matthew Paris*, or *Wendover*, may be compared with *Houeden*, *Westminster*, and others of those Times.

Now, Honest *Country-man*, these Authorities being of an Ancient date, I'll come within the Memory of us all: When King *James* II. set up Mass-Houses in the City of *London*, did he no *Wrong* to the *Church* and *State*, and to his Protestant Heirs, Successors to the Crown? Did he no *Wrong* to the Fellows of *Magdalen*-Colledge when he disseized them of their Freehold contrary to Law? Did he no *Wrong* to the Bishops in committing them to the *Tower*, for Petitioning according to Law? Did not the Lords Spiritual and Temporal, and Commons do the Nation *Right*, when they Assembled themselves at *Westminster* the 22d of *January* 1688. (as their Ancestors in the like Case have usually done) for the Vindicating and Asserting their Ancient Rights and Liberties, when they there did Declare against all the Usurpations of that Reign, particularly mentioned in that Declaration? And thereupon did Resolve.

That William *and* Mary, *Prince and Princess of* Orange, *be, and be Declared King and Queen of* England, France, *and* Ireland, *and the Dominions thereunto belonging, to hold the Crown and Royal Dignity of the said Kingdoms and Dominions, to them, the said Prince and Princess, during their Lives, and the Life of the Survivor of them, and that the Sole and Full Exercise of the Regal Power be only in, and Executed by the said Prince of* Orange, *in the Names of the said Prince and Princess, during their joynt Lives; and after their Decease, the said Crown and Royal Dignity of the said Kingdoms and Dominions, to be to the Heirs of the Body of the said Princess; and for Default of such Issue to the Princess* ANN *of* Denmark, *and the Heirs of her Body, and for Default of such Issue, to the Heirs of the Body of the said Prince of* Orange. —— All these Proceedings, Declarations, and Resolves are entered in the Journals of both Houses.

Now, Honest *Country-man*, to conclude this Subject; Her most Gracious Majesty Queen *ANN* came to the Crown by the Peoples asserting their Rights, and by their Accounting with the King; She was, you see, chosen by common Suffrage of the People of *England*, as represented in Parliament, and what these Men say is in order to destroy her Title to the Crown; for our parts let us Love our Queen, and endeavour, what in us lies, to maintain the Just Rights of the Crown, and the Antient Liberties and Birth-Rights of the People. I assure thee I shall never trouble my self farther about this *Factious Club*; they have deny'd the Authority and Power of a Parliament, to whose Chastisement I leave them, and so Farewel.

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